

REMARKS

The Final Office Action mailed July 21, 2009, considered and rejected claims 1, 5, 8, 11, 14 and 19. Claims 1, 5, 8, 11, 14 and 19 were objected to because of informalities. Claims 1, 5, 8 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bowe et al., U.S. Publ. No. 2003/0093678 (filed Apr. 23, 2001) (hereinafter Bowe), in view of Jackson, et al., U.S. Patent No. 7,116,782 (filed Sep. 7, 2001) (hereinafter Jackson).¹

By this response, claims 11 and 19 are amended and claims 1, 5, and 8 are cancelled. Claims 11, 14, and 19 remain pending. Claims 11 and 19 are independent claims which remain at issue.

Claims 11, and 14 were objected to as it was unclear what "the previously stored signature" referred to.² The "previously stored signature" was intended to refer back to "storing . . . the signature . . . in the persistent storage of the client" as recited earlier in the claim. The claims have now been amended where appropriate to explicitly refer back to "the signature stored in the persistent storage." Correspondingly, the Applicants respectfully request the objection(s) now be withdrawn.³

Claims 11 and 14 were indicated as allowable if rewritten to overcome the claim objections and to include all of the limitations of the base claim and any intervening claims.⁴ Claim 11 has now been amended, as suggested by the Examiner, as an independent claim which includes all of the limitations of the base claim and any intervening claims (as well as to overcome the objection as discussed above). Accordingly, claim 11 should now be in condition for allowance and the Applicants respectfully request its prompt allowance. Claim 14, which depends from claim 11, also incorporates the appropriate amendments and therefore it, too, should be in condition for allowance.

Claim 19 had previously recited a computer program product embodiment of the method of claim 1. Claim 19 has now been amended to recite a computer program product embodiment

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Office Communication p. 3 (paper no. 20090713, July 21, 2009).

³ Should the Examiner desire different or particular language, the Applicants encourage a telephone conversation with the Applicants' attorney, Thomas M. Bonacci, at 801.321.8943 to resolve any remaining issues.

⁴ Office Comm. p. 10.

of the allowable claim 11. Correspondingly, claim 19 should now also be in condition for allowance. Accordingly, the Applicants respectfully request claim 19 also be allowed.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.


As this response presents no new material for consideration and places each of the pending claims in condition for allowance (as has been indicated in the Office Action⁵), the Applicants are filing this response after Final but without an RCE. However, should the Commissioner determine that such an RCE is necessary, the Commissioner is authorized to consider this response a petition for continued examination and charge any appropriate fees to Deposit Account No. 23-3178. Also, should it be necessary, the Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

⁵ Office Comm. p. 10.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 20th day of October, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger". The signature is fluid and cursive, with the first name "Rick" and last name "Nydegger" clearly distinguishable.

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